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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,073	10/26/2000	Martin John Ellis	36-1372	1461

7590 01/13/2004  
Nixon & Vanderhye  
8th Floor  
1100 North Glebe Road  
Arlington, VA 22201-4714

EXAMINER

MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/13/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/674,073

Applicant(s)

ELLIS ET AL.

Examiner

Farhood Moslehi

Art Unit

2426 2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 04 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

1. Claims 1-19 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14,16,18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yates et al. (6,330,586) (hereinafter Yates).
4. As per claim 1, Yates teaches a communications service provision support system which supports multiple types of services during service sessions, said system when in use comprising a session manager which performs functions generic to each of said multiple different types of services during service sessions (e.g. col. 7, lines 62-65); wherein for each of said multiple types of services, said session manager is arranged during a service session, in which a plurality of participants participate, to generate event messages indicating discrete changes in the session-related status of individual users of the system and to transmit said event messages to an event handler for processing (e.g. col. 8, lines 50-59).
5. As per claim 11, it is rejected for similar reasons as stated above.

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6. As per claim 12, it is rejected for similar reasons as stated above.
7. As per claim 18, it is rejected for similar reasons as stated above.
8. As per claim 2, Yates teaches a system wherein said event messages include an event message which contains data indicating only one such discrete change (e.g. col. 9, lines 1-7).
9. As per claim 3, it is rejected for similar reasons as stated above.
10. As per claim 4, Yates teaches a system wherein said discrete changes include at least one of the following events:
  - i) a user starting a service session,
  - ii) a participant joining an existing service session,
  - iii) a participant suspending participation in an existing service session,
  - iv) a participant resuming participation in an existing service session,
  - v) a participant leaving a service session,
  - vi) a participant inviting another user of the system to join a service session,
  - vii) a participant advertising a service session generally to users of the system inviting those users to join a service session,
  - viii) a user of the system declining an invitation to join a service session,
  - ix) a participant withdrawing a general advertisement to users of the system inviting those users to join a service session,
  - x) a service session ending (e.g. col. 11, lines 49-61).
11. As per claim 13, it is rejected for similar reasons as stated above.
12. As per claim 19, it is rejected for similar reasons as stated above.

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13. As per claim 5, Yates teaches a system wherein said session manager is capable of generating a predetermined set of said event messages for each of said multiple different types of service (e.g. cols. 13 and 14, lines 54-67 and 1-6 respectively).

14. As per claim 6, Yates teaches a system wherein said event handler comprises a pricing data processor for pricing a participant's usage of a service during a service session (e.g. col. 14, lines 8-14).

15. As per claim 7, Yates teaches a system wherein said pricing processor is arranged to perform service-specific processing of said event messages (e.g. col. 12, lines 5-14).

16. As per claim 8, Yates teaches a system wherein said event handler comprises a service usage monitor for storing and/or analyzing usage of said services over statistically significant number of service sessions (e.g. col. 19, lines 40-56).

17. As per claim 9, Yates teaches a system wherein said event handler comprises a cost data processor for costing a service provided by a third party during a service session (e.g. col. 12, lines 5-24. calculating cost and pricing various services is inherent within the system. A cost of a service is calculated for users as well as third parties alike.)

18. As per claim 10, Yates teaches a system wherein said event handler comprises an event message multiplier for copying said event messages and distributing said copied messages to a plurality of event processors (e.g. col. 25, lines 45-51).

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19. As per claim 14, Yates teaches a method of generating billing records for participation in a service, in which a plurality of participants participate, provided by a telecommunications system, said method comprising:

Receiving event messages indicating discrete changes in the status of individual participants in said service session (e.g. col. 4, lines 41-55); and generating a plurality of billing records each containing data indicating a charge for a different individual participant's participation in said service session, wherein a billing record indicating a charge for a particular participant's participation in said service session includes data derived from discrete changes in the status of other participants in said service session, such that the charge indicated for said particular participant is dependent on a charge in status of said other participants during said service session (e.g. col. 12, lines 5-14).

20. As per claim 16, it is rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yates in view of Lynch-Aird (6,240,402) (hereinafter Lynch).

23. As per claim 15, Yates does not specifically show a method wherein the charge indicated for particular participant is dependent on the number of other participants in

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said service session. Lynch teaches a method wherein the charge indicated for particular participant is dependent on the number of other participants in said service session (e.g. col. 3, lines 53-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yates with Lynch. The motivation would have been for an incentive to reduce network congestion based on the number of users using a particular service of the network.

24. As per claim 17, it is rejected for similar reasons as stated above.

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent number 6,445,782 to Elfe et al.

US Patent number 5,682,482 to Burt et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

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A handwritten signature in black ink, appearing to read 'JF', is positioned above the official stamp.

JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100